

**Applicant:** Daughters of Charity  
Canossa

**Agent:** James Magovern

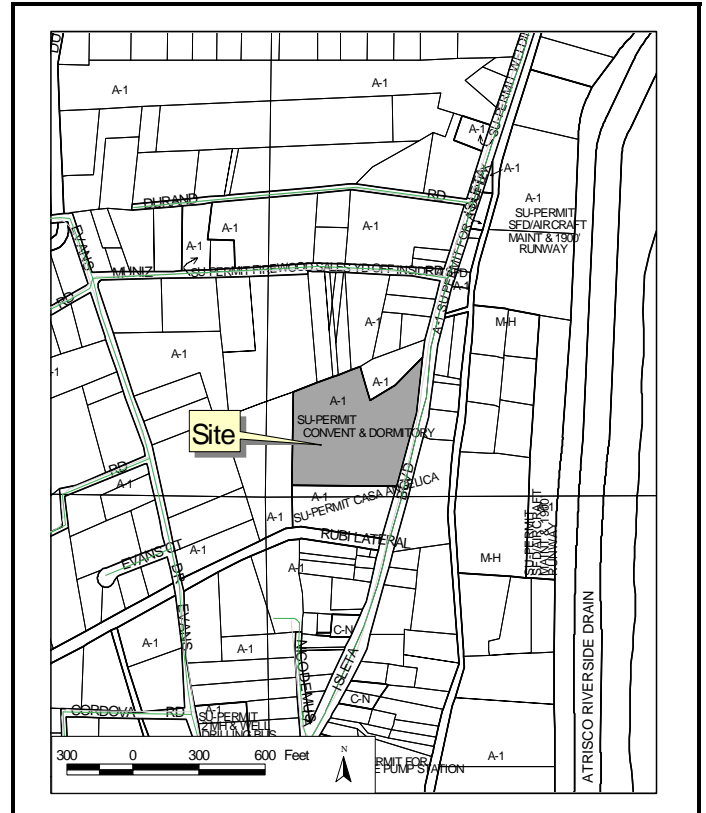
**Location:** 5626 Isleta Boulevard SW

**Property Size:** Approximately 7.20 acres

**Existing Zone:** A-1/Special Use Permit for  
a Covent and Dormitory  
(Institution of a Religious  
Nature)

**Proposed Request:** Amendment to Special Use  
Permit to Include a Multi-  
purpose Room and  
Dormitory

**Recommendation:** Approval



**Summary:** The applicant is requesting approval of an amendment to an existing Special Use Permit to include a multipurpose room and dormitory on a 7.20 acre tract of land located at 5626 Isleta Boulevard SW. This property received a Special Use Permit in 1976 (CSU-76-9); however, the applicant has expanded the area of the use, which requires an amendment to the existing Special Use Permit. The proposed request consists of a two-bedroom (1260 sq. ft) dormitory and (2400 sq. ft.) multipurpose room to be constructed within the existing compound.

**Staff Planner:** Adella Gallegos, Associate Program Planner

**Attachments:**

1. Application
2. Land Use Map
3. Existing Special Use Permit and Notification of Decision (March 18, 1976)
4. Administrative Amendments (Requests & Decisions)
5. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 10-25-05 to 11-7-05. Agency comments were used in preparation of this report, which being on page 13.

**AGENDA ITEM NO.: 12**  
**County Planning Commission**  
**December 7, 2005**

CSU-50033 James Magovern, agent for Daughters of charity Canossa, request approval of an amendment to an existing Special Use Permit to include a multipurpose room and dormitory on the easterly portion of Lot a, Cristo Rey Addition, located at 5626 Isleta Boulevard SW, zoned A-1 with a Special Use Permit for a Convent & Dormitory (Institution of a Religious Nature), containing approximately 7.20 acres (Q-12 & R-12)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	A-1/Special Use Permit for a Convent & Dormitory (Institution of a Religious Nature)	Additions to existing structures
<b>North</b>	A-1	Residential
<b>South</b>	A-1	Residential
<b>East</b>		Isleta Boulevard and Residential
<b>West</b>	A-1	Vacant A-1 and residential

## **BACKGROUND:**

### **The Request**

The applicant is requesting an amendment to the existing Special Use Permit to include a multipurpose room and dormitory. The two-bedroom dormitory will be 1260 sq. ft in size and the multipurpose room will be 2400 sq. ft. in size and will be constructed within the existing compound.

The existing convent was on the site prior to adoption of the Bernalillo County Zoning Ordinance when the request CSU-76-9 was submitted for approval of an amendment to a Special Use Permit (SU #136, BP 6142) for a convent and dormitory.

SU #136 was issued September 21, 1973 for a Nuring Home for Retarded Children (Casa Angelica Hospital). CSU-76-9 was approved by the Bernalillo County Commission on March 16, 1976. There have been two administrative amendments approved to the site plan that have already been constructed. One for a residential/dormitory one-story building approved on October 10, 1995 and another for a garage expansion on May 12, 1983.

The site plan submitted as part of this application includes the previous administrative approvals in addition to the current request for a two-bedroom dormitory and a multipurpose room. The Casa Angelica Hospital is to the south of the site and shares the same Special Use Permit. The site plan has also been brought up to date to include the previously approved administrative amendments.

### **Request Justification**

The agent for the applicant mentions that the request for the proposed amendments is solely for the use of the residents, Daughters of the Charity of Canossa, who reside within the compound. The proposed expansions are natural extensions of the current residential living environment; and, the modifications are internal to the site and will not disturb the atmosphere surrounding the site.

### **Surrounding Land Use and Zoning**

The subject site fronts Isleta Boulevard on the east, with the Casa Angelica Hospital abutting the site to the south. The Casa Angelica Hospital site is privately operated; however, the Daughters of the Canossa own the property. Directly south of the Casa Angelica Hospital and north of the site exist residential development. The property abutting the site to the west has approximately 8 to 10 acres of open field and is owned by the Daughters of the Canossa with residential dwelling existing west of the open fields.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive. The Goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.

**Policy 3.a.** states "Rural Areas as shown by a Plan map shall generally retain their rural character with development consisting primarily of ranches, farms and single-family homes on large lots; higher density development may occur at appropriate locations – within rural village or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

Rural Area density patterns shall be more specifically defined through lower rank plans.

- . Higher density development must provide local government with property rights ensuring appropriate overall-area gross density.

- . Each higher density development must be controlled by site development plan and is to be located well away from other such higher density areas.

- . Small "rural village: should contain compact housing areas – usually not more than 100 dwelling – with very few stores to serve the village.

- . Planned communities will follow the Reserve Area policies concerning such communities."

**Policy 3.b** states "Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate."

### **Southwest Area Plan**

**Policy 1** states, "Techniques to ensure water quality and to enhance water conservation shall be established by the appropriate governmental agencies to enforce policies adopted in the Ground-Water Protection Policy and Action Plan and to prevent further groundwater contamination in the Plan area."

**Policy 5** states, "As development occurs in the Plan area, provisions shall be made to ensure erosion is controlled during and after construction. Runoff and erosion controls shall be developed throughout Soil Conservation Service Zones 3 & 4 to protect Zone 5."

**Policy 6** states, "Specific land use regulations, with performance and improvement standards, shall be created to protect agricultural lands."

**Policy 8** states, "Isleta Boulevard shall be recognized and treated as a historic route. Any modifications on Isleta Boulevard shall protect, rehabilitate, restore and enhance the historic, cultural and economic significance of this important segment of the "Camino Rael".

**Policy 25** states "The City and County shall stabilize residential zoning and land use in the Plan area."

**Policy 26** states, "The residential densities contained on the following Map shall be controlling zoning in the area.

- c) Allow in Residential Area 2, a maximum density of one dwelling unit per net acre, even if centralized community systems or City water and sewer services are available.

**Policy 30** state " Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

**Policy 32** states "Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls."

- b. Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

**Policy 41** states "Balance economic development and quality of life for existing communities as well as for newly developed areas.

**Bernalillo County Zoning Ordinance**

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications. The following are policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.

- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request, which would give a zone different from the surrounding, zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- K. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- L. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the Board of County Commissioners.
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- N. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 4. An error in the original zone map.
  - 5. Changed neighborhood conditions, which justifies a change in land use or

6. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- O. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- P. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
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  4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- R. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  3. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  4. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

#### Section 18 Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations as it deems necessary:
  1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.

2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

The Board of County Commissioners must review the Special Use Permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the Board of County Commissioners to continue or revoke the Special Use Permit. In certain situations based on unique conditions, and where there is evidence of substantial support from the affected neighborhood residents and/or property owners within 100 feet, a Special Use Permit may be recommended for approval by the Board of county Commissioners for any of the specific uses set forth in Section 12, 13, 14, 15, 16, 17, and 18 of the Bernalillo County Zoning Ordinance. The Special Use Permits may be considered by the County Planning Commission only after it has been determined that the requested zone is inappropriate, and that unique conditions and substantial neighborhood support exist.

#### Section 7. A-1 Rural Agricultural Zone.

- A. The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate farming, or ranching operations.

#### Section 19. Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.



A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
- b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
- c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.

2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.

3. Sites of five acres or more:

- a. There shall be a landscaped setback along all streets of no less than 20 feet.
- a. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
- b. All other requirements [shall be the] same as 1.b. and 1.c. above.

#### **ANALYSIS:**

##### **Surrounding Land Use**

The applicant is requesting an amendment to the Special Use Permit to include construction of a two-bedroom dormitory and a food, storage multipurpose room. The site is located on the west side of Isleta Boulevard, south of Muniz Road SW and north of the Rubi Lateral.

The Daughters of the Charity Canossa reside at site, which is a community based residential development of a religious nature consisting of a dormitory and convent. The convent abuts the Casa Angelica Hospital, a hospital for severely retarded children, to the south. The Casa Angelica Hospital is privately administered and operated; however, the property is owned by the Daughters of the Canossa. The property is predominately surrounded with A-1 zoning on the north and west with a Special Use Permit for a Hospital on the south. The properties abutting to north and south of the Casa Angelica Hospital are developed with residential dwellings. The convent and hospital are buffered from the adjacent properties by solid walls, fencing and large cottonwood trees.

## Plans

### Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Rural Area as designated by the Comprehensive Plan. The Goal is to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns. The proposed request does not conflict with the policies of the Comprehensive Plan in that request is a community based residential facility of a religious nature and will not have a negative affect on the adjoining properties. The requested expansions will be constructed within existing compound thereby retaining its existing rural character.

## Zoning Ordinance

Section 18 of the Bernalillo County Zoning Ordinance defines Special Use Permit Regulations. The intent of the ordinance is to promote and preserve the integrity of a particular area or neighborhood with respect to the proposed special use on a particular site. The use has existed on the site prior to adoption of the Zoning Ordinance; however, the previous amendments as well as the current request conform to existing code requirements.

## Agency Comments

Environmental Health has expressed concern that there is no record of existing well permits on the proposed site and is requiring the wells be permitted in addition to providing a water analysis. The public utility (Sewer) is available to the site; therefore, Environmental Health is requiring that the existing wastewater system (3 septic tanks) be abandoned and connect to the available public utility. These issues can be taken care of at the time of Building Permit.

Public Works has commented that a grading and drainage plan may be required if the proposed expansion detract from the existing plan and create additional flows, which can also be taken care of at the time of building permit.

## Analysis Summary

Zoning	
Resolution 116-86	The proposed uses existed prior to adoption of the Zoning Ordinance; however, the uses conforms to existing code requirements
Plans	
	The request is in the Rural Area as designated by the Comprehensive Plan the requested expansions will be constructed within existing compound thereby retaining its existing rural character.
	The proposed request does not conflict with the policies of

	the Comprehensive Plan and the Southwest Area Plan in that request is a community based residential facility of a religious nature and will not have a negative affect on the adjoining properties.
Other Requirements	
Environmental Health	Compliance with Water and Wastewater Ordinances
Public Works	Grading and Drainage Plan will be required prior to building permit issuance.

### Conclusion

The request does not appear to be out of character with the existing use or with the general area where it is located. The proposed expansion will not intensify the existing community based residential facility dormitory and convent. This request will merely provide additional sleeping quarters and much needed storage space for the residents residing on the facility. The expansions of the existing facilities will all be constructed within the existing compound and should not have an adverse impact on the adjoining properties or the neighboring community.

### RECOMMENDATION:

APPROVAL of CSU-50033 based on the following Findings and Conditions.

Adella Gallegos  
Associate Program Planner

### Findings:

1. This is a request for an amendment to an existing Special Use Permit to include a multipurpose room and dormitory on the easterly portion of Lot A, Cristo Rey Addition, located at 5626 Isleta Boulevard SW, zoned A-1, containing approximately 7.20 acres.
2. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. The request is consistent with the health, safety, and general welfare of the residents and surrounding community.
4. The request will preserve the integrity and character of the zone and will not have an adverse impact on the surrounding properties or community.

5. This request is consistent with Resolution 116-1986 in that this land use is more advantageous to the community in that it compliments the residential areas by retaining their rural character as articulated in Policies 3.a of the Albuquerque/Bernalillo County Comprehensive Plan.
6. The Special Use Permit for a Convent and Dormitory, (CSU-76-9) and Special Use Permit for a Nursing Home for Retarded Children (Casa Angelica Hospital, (SU-136 are superseded by the amended Special Use Permit for a Institution of a Religious Nature (Convent & Dormitory) and the Casa Angelica Hospital.

**CONDITIONS:**

1. Lighting shall be site specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent properties.
2. The applicant shall submit a revised site plan consistent with the Conditions of Approval to the Zoning Administrator within two months after final Board of County Commission approval. The revised site plan shall include the landscaping and the designated parking spaces for the dormitory, multipurpose room and the Casa Angelica Hospital site.
3. The Special Use Permit shall be issued for the life of the use.
4. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
5. The forgoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

**BERNALILLO COUNTY DEPARTMENT COMMENTS**

**Environmental Health:**

No Record of Existing Wells

Well Log and Water Analysis requirement

The application did not contain a well log for a well located on the property or the nearest well in accordance with 74-96(b)(1) of the County subdivision Ordinance and the applicant did not provide a water analysis from that well in accordance with 74-105(1) of the County Subdivision Ordinance. The water sample shall be sampled at a minimum for the follow (Fecal Coliform, TKN, NHE, NO3, NO2, Na, K, Ca, Mg, Cl, HCO3 and SO\$).

1. Through investigation the property appears to be connected to public utility flat rate sewer with acct. 23041918 and 23042417.
2. There is an existing wastewater system on-site that must be abandoned. The entire property is to be connected to public utility sewer.

**Fire:**

No comment received

**Zoning Enforcement Manager:**

No adverse comment at this time for zone. Based on the above comments there is no adverse comment at this time. Shall comply with all applicable ordinances for this project.

**Building Department:**

Corrections listed below must be corrected for approval:

Building permits will be required for the proposed warehouse, shop, storage building and guest room/court yard addition.

**Public Works:**

**Dran:**

1. This property is subject to the Bernalillo County code chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirement of this code will be required.
2. The dormitory addition will not initiate a requirement for a grading and drainage plant for the site as long as all current and additional developed flows are managed by shallow swales, or depressed landscaping and not free discharge off site.

**DRE:**

The applicant shall obtain appropriate permits from Bernalillo County Public Works Division at the time of development.

**Parks & Recreation:**

No adverse comments

**Sheriff's:**

No comment received

**COMMENTS FROM OTHER AGENCIES**

MRGCD:

No comment received

MRGCOG:

The Long Range Bikeway System identified this section of Isleta Blvd. For a bike route as well as identifying it as a Bike/Trail Study Corridor

AMAFCA:

No comment.

City Public Works/Water Resources Dept.

Property has a flat rate sanitary sewer account, but no water service. Property is apparently on a private well system.

City of Albuquerque Transportation Div:

No adverse comments.

New Mexico State Highway Dept.:

No comments.

**NEIGHBORHOOD ASSOCIATIONS:**

Pajarito Village Association

South Valley Alliance of Neighborhoods

South Valley Coalition of Neighborhoods